

Amendment and Response  
Applicants: Karl Emil Groth et al.  
Serial No.: 10/667,917

Attorney Docket: FCM1005USC2

### **REMARKS**

Claim 1 has been canceled without prejudice above. New claims 94 to 149 have been added and these claims are the pending claims. The new claims are related to claims in parent U.S. Patent Nos. 6,347,633 B1 and 6,644,320 B2.

<u>New claims</u>	<u>Related claims in U.S. Patent No. 6,347,633 B1</u>
94 to 107	1, 24, 33
108 to 121	52, 24, 33

<u>New claims</u>	<u>Related claims in U.S. Patent No. 6,644,320 B2</u>
122 to 135	1, 12, 21
136 to 149	40, 12, 21

The Examiner rejected claim 1 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 46, 49, 52, 59, 62, 65, 88, 91, 94, 101, 104, and 107 of U.S. Patent No. 6,347,633.

Although claim 1 has been canceled and this rejection is now moot, Applicants enclose two terminal disclaimers. One terminal disclaimer is directed to U.S. Patent No. 6,347,633 B1 and one terminal disclaimer is directed to U.S. Patent No. 6,644,320 B2. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 1 as unpatentable under the judicially created doctrine of obviousness-type double patenting.

The Examiner rejected claim 1 under 35 U.S.C. § 102 as anticipated by WO 97/06839 (Tsolkas et al.).

Applicants respectfully traverse this rejection of the claims. To expedite prosecution of this application, Applicants have canceled claim 1 and added claims 94 to 149. The new claims are related to issued claims in U.S. Patent Nos.

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6,347,633 B1 and 6,644,320 B2. In the prosecution history of U.S. Patent No. 6,347,633 B1, a claim 1 identical to the claim 1 in this application was rejected over DE 195 31 935 A1 to Tsolkas et al. WO 97/06839 claims the priority of DE 195 31 935 A1. In the prosecution history of the '633 patent, claim 1 was rejected but claims 21 to 34, 42, and 78 to 91 were indicated as being allowable if rewritten in independent form. The claims were amended to conform to the subject matter the Examiner found allowable and were issued in the '633 patent. Because the subject matter of the pending claims is related to the claims of the '633 and '320 patents, Applicants submit that the pending claims are in condition for allowance. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 1 as anticipated by Tsolkas et al.

If any additional fees are due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 16-2312. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

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